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FORT LAUDERDALE CITY COMMISSION  
SEPTEMBER 26, 2000  
(Continued from September 19, 2000)**

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**MINUTES OF A RECESSED REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
SEPTEMBER 26, 2000  
(Continued from September 19, 2000)**

Meeting was called to order at 6:07 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present:	Commissioner Gloria F. Katz Commissioner Cindi Hutchinson Commissioner Tim Smith Mayor Jim Naugle
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Absent:	Commissioner Carlton B. Moore
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Also Present:

City Manager	F. T. Johnson
City Attorney	Dennis E. Lyles
City Clerk	Lucy Masliah
Sergeant at Arms	Sgt. L. Abrams

NOTE: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other business).

**Amendment to Chapter 10 – Municipal Cemetery System ..... (O-9)**

An ordinance was presented amending Section 10-47 of the Code of Ordinances entitled "Municipal Cemetery System Funds," providing that capital improvements to the Cemetery System may be funded with excess accumulated income from the cemetery trusts and removing references to financial accounts no longer utilized in the operation of the Municipal Cemetery System; and, deleting Section 1-48 entitled "Duties of Director of Finance." Notice of the proposed ordinance was published on August 27, 2000. On September 6, 2000, the City Commission voted to defer first reading to September 19, 2000 by a vote of 5 to 0. On September 19, 2000, the City Commission voted to defer first reading to September 26, 2000 by a vote of 4 to 0.

Mayor Naugle asked the City Attorney if use of these funds would have to be approved by the City Commission. The City Attorney replied that this ordinance merely changed the sources and ultimate depositories for certain income from the trust funds; however, use of funds for capital projects did require City Commission approval. The City Manager agreed that was correct, although staff would continue to seek recommendations from the Cemeteries Board of Trustees for presentation to the City Commission.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-00-55

AN ORDINANCE AMENDING SECTION 10-47 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "MUNICIPAL CEMETERY SYSTEM FUNDS," PROVIDING THAT CAPITAL IMPROVEMENTS TO THE CEMETERY SYSTEM MAY BE FUNDED WITH EXCESS ACCUMULATED INCOME FROM THE CEMETERY TRUSTS AND REMOVING REFERENCES TO FINANCIAL ACCOUNTS NO LONGER UTILIZED IN THE OPERATION OF THE MUNICIPAL CEMETERY SYSTEM; AND DELETING SECTION 10-48, ENTITLED "DUTIES OF DIRECTOR OF FINANCE."

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amendment to the Pay Plan** ..... (O-13)

An ordinance was presented amending Schedules I and II of the Pay Plan of the City, providing for title changes, the creation of new classes, the elimination of certain classes, pay range adjustments within classes, title changes and pay range adjustments within classes, amending special pay practices of Schedule I to provide for the elimination of an assignment pay position and to adjust assignment pay ranges, and amending the Pay Plan in order to provide for modifications in the schedules of pay range amounts for Supervisor, Professional, Managerial and Confidential employees. Notice of the proposed ordinance was published on September 9, 2000.

**Motion** made by Commissioner Smith and seconded by Commissioner Smith to reconsider this item as voted on September 19, 2000, and to amend the ordinance to include the classifications of City Traffic Engineer and Senior Real Estate Officer, and to add assignment pay for the Confidential employees in the City Commission Office. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Commissioner Smith introduced the following ordinance, as amended, on first reading:

ORDINANCE NO. C-00-56

AN ORDINANCE AMENDING SCHEDULES I AND II OF THE PAY PLAN OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR TITLE CHANGES, THE CREATION OF NEW CLASSES, THE ELIMINATION OF CERTAIN CLASSES, PAY RANGE ADJUSTMENTS WITHIN CLASSES, TITLE CHANGES AND PAY RANGE ADJUSTMENTS WITHIN CLASSES, AMENDING SPECIAL PAY PRACTICES OF SCHEDULE I TO PROVIDE FOR THE ELIMINATION OF AN ASSIGNMENT PAY POSITION AND TO ADJUST ASSIGNMENT PAY RANGES, AND AMENDING THE PAY PLAN IN ORDER TO PROVIDE FOR MODIFICATIONS IN THE SCHEDULES OF PAY RANGE AMOUNTS FOR SUPERVISOR, PROFESSIONAL, MANAGERIAL AND CONFIDENTIAL EMPLOYEES.

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Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Amend ULDR Section 47-13.20 – Allocation of Residential Units and Site Plan Approval in the Downtown Regional Activity Center (RAC) – City of Fort Lauderdale (PZ Case No. 4-T-00) ..... (O-16)**

At the regular meeting of the Planning & Zoning Board on August 16, 2000, it was recommended by a vote of 5 to 4 that the following application be approved. Notice of the proposed ordinance was published on September 9, 2000. (Also see Item R-5 on this Agenda).

Applicant: City of Fort Lauderdale/Construction Services Bureau  
Request: Amend ULDR Section 47-13.20 to change the process for Allocation of Residential Units and Site Plan Approval in the Downtown RAC, and the process for Site Plan Approval for parcels along the New River

Mr. Scott Miller, Development Services, stated that this item had originally been proposed some months ago, and it had been under review by the Planning & Zoning Board. He noted that the Board had voted 5 to 4 to move this forward, although there were some differences between staff's recommendation and the recommendation of the Board. Mr. Miller advised that the City Commission had asked staff to review this subject due, in part, to downtown development pressures and concerns about the Commission having an opportunity to review upcoming projects.

Mr. Miller stated that the original proposal had called for review of all projects in the downtown that varied in density, with higher density projects being subject to review by the Planning & Zoning Board and the City Commission. Through input from the community and the City Commission, that proposal had been modified. He explained that review by the Planning & Zoning Board had been eliminated from the drafted ordinance, and the Board had agreed it did not need to be a part of the process in order to streamline the procedures.

Mr. Miller advised this ordinance would capture for review any project located within the City Center District and the Arts & Science District located in the New River Waterfront Corridor. He stated that this Corridor was defined to include any parcel within 100' of the water's edge. Mr. Miller said the basic review would be handled by the DRC, and projects would then proceed to the City Commission upon its application. He displayed a map of the New River Waterfront Corridor and noted that the Planning & Zoning Board already had review authority over anything in the peripheral areas to the south and west of the Performing Arts Center and to the east of the Stranahan House in TMU zoning. Therefore, this ordinance pertained primarily to the core of the downtown area.

Mr. Miller stated that the ordinance included some suggested criteria for DRC and City Commission review, and the language was very similar to existing language that applied to projects in those districts today if they wanted to deviate from certain setback requirements. He noted that this language had also been included in the old Zoning Code prior to adoption of the ULDR and applicable to all projects on the New River.

Mr. Miller advised that the Planning & Zoning Board had expressed some concerns about use of the words "size, height, and character." He explained that the Board had chosen to remove those words from the ordinance by a 5 to 4 vote from the review criteria. However, staff recommended it be included.

Commissioner Smith noted that some of the parcels along the River were deeper than 100'. Mr. Miller explained that even if a parcel were 300' deep, for example, it would still be captured if any portion of a parcel were located within 100' of the water's edge. He pointed out that this would also capture any parcels that had a right-of-way between it and the River.

*Mr. Doug Eagon*, Downtown Development Authority (DDA), noted that 2 of the Planning & Zoning Board members had felt there should be no ordinance in this respect, so he considered the vote 7 to 2 rather than 5 to 4. He stated that there were 3 issues he wanted to address. Mr. Eagon believed everyone had discussed the fact that developers should have as high a degree of certainty as possible with respect to what they could do with their properties. He thought everyone recognized that upwards of \$500,000 could be spent on design without having a clue as to what could be approved. Mr. Eagon had believed everyone had agreed to come before the Commission as soon as possible after preliminary DRC review, but that was not how the ordinance read.

Mr. Eagon understood the ordinance required DRC review and response to its comments before Commission review, which could be a costly and lengthy undertaking. He believed the Commission's intent had been to get applications in for review as quickly as possible so applicants could then move forward based on the Commission's vote.

Mr. Eagon stated that the second issue involved deletion of the words "size, height and character" from the ordinance by the Board. He felt very strongly about this, particularly with respect to height. Mr. Eagon advised that the Zoning Code had allowed unlimited height in the central business district for 50 years. He felt that was a fundamental property right that people had relied upon for a very long time, and he believed there were plenty of ways of taking the entire package into consideration without including that language, which would allow for arbitrary rejection of any project based on a subjective review related only to height. Mr. Eagon believed projects should be reviewed in their totality.

Mr. Eagon advised the third issue involved setbacks. He stated that some language had been taken from the old Zoning Code for inclusion in the ULDR. Mr. Eagon recalled that prior to adoption of the ULDR, there had been no specific design criteria applied to the central business district, specifically as they related to things like pedestrian priority streets and image streets. Mr. Eagon stated that the Riverwalk Corridor was a pedestrian priority street, and the ordinance described how buildings should be designed quite tightly.

Mr. Eagon thought the required features, such as cornices, plazas, etc., were resulting in some better designs, but the proposed ordinance also indicated that additional setbacks could be required. He felt this led back to the certainty issue because a developer would not know how to design a building. Mr. Eagon thought this built in a conflict, and the ULDR contained language that was superior to that in the old Zoning Code in terms of setbacks. He did not feel it was necessary and would only confuse matters.

*Mr. John Milledge*, Attorney representing the DDA, referred to the criteria. Staff had mentioned that the criteria were based on some old Zoning Code language, but the RACC was the place in the whole City where density and intensity ought to go. The ULDR had included some protections for surrounding neighborhoods, including a stepped down height on the boundaries. Pedestrian priority and image streets had called for new design review requirements, along with a 60' setback along the water.

Mr. Milledge felt that if size and height were included in the ordinance as criteria, it would allow denial of a project based solely on those issues. He noted that the other design criteria related to size and height indirectly, but he did not think a decision based solely on size and height would be consistent with the City Center. Mr. Milledge agreed with the Planning & Zoning Board's recommendation.

Commissioner Katz said one of the reasons she had asked that this ordinance be postponed on September 19, 2000 had been related to size, height and character. She had spoken to a number of design professionals in this regard, and the consensus seemed to be that these things could all be considered under design. At present, those terms were not defined in the ULDR glossary, so she suggested elimination of "size, height and character" and replacing it with the word "design," which included those items as defined in the glossary.

Mayor Naugle understood the suggestion was to define "design" in the glossary with the inclusion of size, height, character, etc. Commissioner Katz agreed that was correct. The City Attorney stated that a definition of design could be provided prior to second reading of the ordinance. He also thought it could be used as a "catch all" for those three terms. However, the City had litigated this matter, and the more specific the criteria, the more defensible the City's position. So, while this might make the design process more flexible, it could make things more difficult if the City wanted to reject an application.

Commissioner Katz noted that the Commission was scheduled to talk about a project under Item R-5. That had shown her that the City Commissioners were not planning and zoning professionals, and she was not comfortable getting very specific during project review as a result. She felt the Code should require a developer to present a project for preliminary DRC review. At that point, she thought the project should be presented to the City Commission with a general footprint without getting into the "nitty gritty." Commissioner Katz felt a project should then proceed to final DRC review, with the Commission's approval, to consider all the details of a project. She suggested that a project then either go back to the City Commission for final approval or to the Planning & Zoning Board for final approval. In that fashion, everyone would know right from the start if there were problems and a project was heading in the wrong direction.

Commissioner Smith understood the original review of the Commission would be binding on the general features of a project such as height, setbacks, density, etc. Commissioner Katz agreed that was her intent. She noted that small details could well change, but she would expect no big surprises in the end. Commissioner Smith felt this was a creative approach.

Commissioner Hutchinson said she was all for streamlining the process, but she had understood the City Commission would hear the basic concept of a project first before DRC review. In that fashion, a developer would learn early if a proposed project were likely to be supported by the City. Mayor Naugle believed the suggestion had been to bring projects to the Commission after a preliminary DRC review. Commissioner Hutchinson understood that.

Mr. Miller was not sure about the direction the Commission wanted to take. It appeared Commissioner Katz wanted projects brought to the Commission at a very early stage; in fact, much earlier in the process than the project scheduled for consideration as Item R-5 tonight. He noted that there had already been a significant investment in the plans for that project. Mr. Miller said his concern was that if a project was presented too early in the process, there might not be enough information for staff to determine if it did or did not conform with the Code. Further, there might not be enough information for the Commission to make an informed decision and provide the necessary level of commitment for further investment in plans.

Commissioner Hutchinson said that she had heard from the development community that they did not want to spend \$350,000 on a design only to have it denied by the City Commission. She had thought that was the intent of this ordinance. Mr. Miller agreed that was true. He stated that a minimum level of detail was needed on the plans from staff's perspective in order to do an analysis.

Mr. Miller explained that the DRC reviewed complete landscaping plans, site plans, building elevations, floor plans, etc. in order to visualize how a building would look and function. Commissioner Smith asked if staff could provide preliminary approval if a building footprint and height was provided. Mr. Miller thought the Commission was discussing a pre-application at the DRC level. He believed staff could make that work at a pre-application level in order to save expenses in design, but he was not sure it would be enough information for the Commission to provide a developer with a certain level of commitment for complete drawings. He thought a certain level of detail was necessary for everyone's comfort level.

Mr. Miller stated that the City could adjust its requirements for pre-applications to require certain details. He explained that a pre-application was now basically a "free for all," and the level of review was based on the level of the plans provided. Mr. Miller said that if only a site plan was provided without building elevations, staff reviewed it but only in relation to the site aspects. Commissioner Smith believed the major expense related to the site plan. Mr. Miller stated that expense was related to the more detailed site plan and doing the calculations to ensure everything proposed would fit.

Commissioner Hutchinson understood that in order to make educated decisions, a pre-application would not be enough. Mr. Miller thought it could be enough if a minimum level of detail was set, but staff would have to rethink the process before second reading if that was the Commission's desire.

Ms. Cecelia Hollar, Construction Services, said staff might not be able to answer questions raised by the Commission once a preliminary plan was presented. She wanted to ensure staff could provide all the information necessary, and everyone's goal was to move forward projects that conformed with the Code and the desires of the Commission without unnecessary delays.

Mayor Naugle understood the idea of considering a building envelope as opposed to exactly what a building would look like, but he reminded the Commission that Beach Place was one of the reasons this entire issue had arisen. He recalled that the Commission had been presented with one set of plans, but the plans had subsequently been altered, resulting in problems with noise, lighting, etc. Mayor Naugle felt the Commission needed a certain level of detail for review, and it appeared the only way to do that would be to review projects twice, but he did not think that would streamline the process.

Mayor Naugle believed the way this was proposed was probably the best possible method of avoiding the kinds of mistakes that had been made at the beach. Ms. Hollar noted that all applicants also had the option of presenting something to the Commission at a Conference meeting. Commissioner Katz said she was still hearing the same complaint that a developer went through a long, expensive process before a project ever reached the Commission. She wanted to avoid situations in which a project was denied at that point by letting developers know early in the process what they could or could not do. Commissioner Katz wondered if the Commission should require a Conference presentation. Mayor Naugle preferred to keep it as an option for those who wanted to remove any uncertainty.

Commissioner Katz pointed out that features of a project changed sometimes during the process and not because anyone was trying to "pull something." Recognizing that this occurred, she thought some room should be allowed as long as modifications above an established percentage of work were brought back to the Commission. She mentioned 1% or 2% of a project.

Commissioner Hutchinson wanted to know that what the Commission approved was what was constructed. She stated that there had been some small buildings in her district that had been approved by the Planning & Zoning Board based on community input that were subsequently changed. Commissioner Hutchinson wanted to ensure that changes to an approved plan were approved. Commissioner Katz agreed a certain percentage of change should be resubmitted.

Commissioner Smith believed property owners were trying to get as much of the political issues out of the process as possible. He felt a pre-application look at the basics, such as height, setbacks, density, and similar large details, would be workable with the Commission providing assurances only as to those matters. Commissioner Smith pointed out that a developer would still be taking some risk as to the small details, but at least he would know the project could not be denied later as long as the large issues remained essentially the same. He felt that would provide the development community with a greater comfort level than it had today.

Commissioner Hutchinson inquired about the difference between using the word "design" or the words "size, height and character," particularly if a reference was made to the glossary, which defined design as size, height, and character. Commissioner Katz did not think height was the only issue, but the whole concept worked together. For example, sometimes height was not a problem if other features were offered, and she thought that listing the issues separately would mean they would be interpreted separately rather than as a whole concept.

Commissioner Smith wondered if the City was running a risk if the Commission approved a project on the basis of pre-application generalities and then denied it later based on details. The City Attorney agreed that was absolutely a risk. He stated that if the Commission approved the basic outline of a building, and the developer proceeded, the burden would then be on the City to come up with some pretty specific, legally supportable reasons to overturn the original approval. The City Attorney summarized that it would be extremely difficult to say "no" at the end of the process once the Commission had said "yes" at the beginning.

Mayor Naugle thought the Commission should go with staff's recommendation because he did not see any way around it without adding another layer to the process that could cause some difficulty in withstanding court challenges. Commissioner Katz wondered if staff could look at this a little more closely and see if that issue could be addressed. Commissioner Smith did not want to put the taxpayers at risk of enormous exposure.



The City Attorney explained that the primary risk was not a million dollar judgment, although that could be the case. The risk he had been referring to was not being able to support a denial at the end of the process. He advised that he was not saying there was no way to do this, and a voluntary early look at a project had been discussed. The City Attorney thought he could structure something that would let the development community know it was on the right track with a project without giving away defenses the public was entitled to at the ultimate review stage.

Mayor Naugle pointed out that this ordinance had been the subject of a lot of delays, and there could be some zoning in progress issues if it was abandoned now. He thought the drafted ordinance was decent, but it could be refined as time passed. Mayor Naugle felt it would be a mistake to delay this any longer. The City Attorney stated that because of the zoning in progress issue, the ordinance could be passed on first reading this evening with the idea that staff would examine ways to report to the Commission before a second reading.

Mayor Naugle summarized that design would be defined as "size, height and character" and the Commission would go forward on first reading, with the idea of examining a streamlined "first look" with a more detailed "second look" later in the process.

The City Manager noted that if the idea was to streamline the process, that goal could be lost by adding another layer for a preliminary look if staff was not careful. He thought staff would have to provide some indications about time frames. The City Manager was also concerned about the fact that when the Commission reviewed projects, they were doing so in a quasi-judicial fashion, and he wondered when fees should be imposed. He advised that all of these matters would also be addressed before second reading of the ordinance.

Mayor Naugle referred to the distance from the water discussed earlier. He stated that as to the allocation of residential units, he was comfortable having that ability throughout the downtown area and not just on the Riverfront. Mayor Naugle pointed out that a project so right for Federal Highway might tower over a residential neighborhood, and he was more comfortable with the possibility of call-up for any project over 50 units within the RAC-CC. Mr. Miller advised that the City Commission had call-up ability now for any project in any part of the downtown RAC, and this ordinance would not affect that ability.

Commissioner Smith introduced the following ordinance on first reading:

ORDINANCE NO. C-00-57

AN ORDINANCE AMENDING THE UNIFIED LAND DEVELOPMENT REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-13, DOWNTOWN RAC, AND OTHER SECTIONS OF THE ULDR TO REVISE THE PROCESS AND CRITERIA FOR REVIEW AND APPROVAL OF DEVELOPMENT IN THE DOWNTOWN RAC INCLUDING DEVELOPMENT ON THE NEW RIVER WATERFRONT CORRIDOR AND THE ALLOCATION OF DWELLING UNITS.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Mayor Naugle suggested the Commission agree now to defer second reading of the ordinance to October 17, 2000, at its meeting of October 3, 2000. It was agreed.

**Site Plan Review/RAC-CC – Sea Ranch Properties, L.C. –  
Las Olas River Residences (PZ Case No. 65-R-00) ..... (R-5)**

At the Development Review Committee (DRC) meeting of June 13, 2000, the following development was reviewed. (Please see Item O-16 on this Agenda).

Applicant: Sea Range Properties, L.C.  
Request: Site plan review/RAC-CC  
Location: East of Southeast 3<sup>rd</sup> Avenue, south of Southeast 4<sup>th</sup> Street, north of New River

Having affirmed to speak only the truth by virtue of an oath administered by the City Clerk, the following individuals offered comment on this item:

Mr. Chris Barton, Construction Services, stated that the applicant proposed to build 3 residential towers in the RAC-CC district. The total number of units would be 561, with 118 condominium units in each of 2 towers, built side-by-side in 2 phases, and 319 apartments and 6 ground level townhouses facing North New River Drive. He advised that the overall height of the buildings to the primary roof deck was 408'8" with approximately 20' more of mechanical equipment space for a total height of 428'8".

Mr. Barton reported that the site contained 4.35 acres, and the property faced North New River Drive, with a small portion facing Southeast 5<sup>th</sup> Avenue looking eastward. He advised that the entire property curved around to another property and did not quite meet the 3<sup>rd</sup> Avenue bridge except at the northwest corner. It also fronted on Southeast 4<sup>th</sup> Street, between 3<sup>rd</sup> Avenue and 5<sup>th</sup> Avenue. Mr. Barton stated that the project met the setback requirements, and exceeded those requirements in most cases.

Mr. Barton stated that 2 separate parking garages abutting one another were proposed, and the eastern most garage would service the 2 condominium towers and the townhouses, which would each have a 2-car garage accessed through that garage. The western most garage would serve the apartment building, and both garages had a general height of 2 levels with pool decks on the roofs, and they extended to 6 levels at the rear backing up to 4<sup>th</sup> Street. Mr. Barton believed tennis courts were proposed on top of the sixth levels on each of the garages.

Mr. Barton advised that two portico, drop-off areas were proposed, one for each of the 2 main towers, and significant landscaping was proposed along the entire front of North New River Drive and Southeast 4<sup>th</sup> Avenue. He stated that the primary concern of DRC was to save the numerous live oak trees fronting on 4<sup>th</sup> Avenue, and to increase the size and quality of the walkway on the north and west sides to match and coordinate with the appearance of Riverwalk. He advised that the applicant had made changes to address that concern, and all but 1 of the large trees would be saved. Mr. Barton believed the applicant had also agreed to try to relocate that tree to one of the portico areas. He advised that a number of other trees on the site would be salvaged in accordance with City landscape requirements.

Mr. Barton stated that the project conformed with the requirements of the ULDR, although there had been some initial questions about the completeness of the traffic analysis presented. He believed additional information had been provided by the applicant to address those concerns, and it was staff's recommendation that the application be approved with the conditions contained in staff's written report. Mr. Barton added a 9<sup>th</sup> condition, as follows:

9. That the developer bond for one-half the cost of a new trombone style traffic signal on Las Olas Boulevard, with the likely location being at Las Olas Boulevard and Southeast 2<sup>nd</sup> Avenue, or an alternative location at Las Olas Boulevard and Southeast 5<sup>th</sup> Avenue if it was determined a better method of addressing the traffic generated by the residential development.

*Mr. Robert Lochrie*, representing the applicant, was excited about this signature building for downtown Fort Lauderdale. He noted that since the central business district had been created in the late 1950s, everyone had recognized that a high-quality, residential component was desired. Mr. Lochrie introduced the development team members who were present and described some of the other projects developed by the team. He felt Mr. Barton had done a good job of providing an overview of the project, and he presented a slide program showing the site from various vantage points and surrounding properties. Mr. Lochrie also displayed the City's zoning map and pointed out the RAC, surrounded by general business and residential areas. He noted that those areas had very specific setback and height limitations to provide a transition from the RAC to ensure neighborhood compatibility.

Mr. Lochrie pointed out that the subject site was located directly in the middle of the center city area. Mayor Naugle noted that there were a few errors on the displayed map, such as omission of the H-1 zoning district. Mr. Lochrie agreed that was correct.

Mr. Lochrie displayed the site plan for the proposed project. He stated that the site measured 4.347 acres, and the 2 towers would actually encompass a relatively small portion of the site, or approximately 17% of the site. Mayor Naugle inquired about the percentage of lot coverage including the parking structures. Mr. Lochrie said he could back into that number by the end of the meeting.

Mr. Lochrie stated that the 2 residential towers would be 408' as the City measured height, with an actual height of about 428' with the mechanical equipment. He advised that the first tower was the Las Olas Grand, which would actually be 2 independent condominiums, referred to in the back-up material as "tower 1" and "tower 2." Mr. Lochrie explained that 118 units were much easier to handle, from a condominium association standpoint, than 236 units. He advised that the New River Club to the west would be a rental project. Commissioner Smith asked how long the buildings would be, and Mr. Lochrie replied they were approximately 245' long. He also pointed out which portions of the parking structures would serve the different buildings on the site.

Mr. Lochrie pointed out that the garages would only be 2 stories tall along the River and would be joined along the front by the 6 villa or townhouse units. He stated that the setback criteria for the Riverfront corridor was very specific and required all buildings to be set back at least 60' from the water. Mr. Lochrie advised that the proposed buildings would be set back to save the existing tree canopy as described by Mr. Barton. He stated that the minimum setback along the River would vary from 71' to 73' in a few locations, but the buildings would generally be set back about 80' to 100'.

Commissioner Smith inquired as to the width of the right-of-way. Mr. Lochrie did not have that information, but Mayor Naugle was sure staff could provide it this evening.

Mr. Lochrie pointed out that the 70'+ setback allowed for more landscaping along North New River Drive, which was important to pedestrians. He noted that the buildings would be at least 20' from the street, although only 10' was required, and at least 15' of landscaping would be provided. He advised that 4<sup>th</sup> Street would be the main entrance to the project, and an additional 10' would be dedicated to the road. Further, the building itself would be set back an additional 15' where 5' was required. He felt it was important to provide additional landscaping to buffer the project from the office buildings to the north.

Mr. Lochrie stated that screening would be provided for the garages of a type similar to that used in other project on Las Olas Boulevard. He advised that a 25' setback would be provided on 3<sup>rd</sup> Avenue with heavy landscaping. Mr. Lochrie described the Las Olas Grand project, which would have 6 units across, with 4 flowing through from the east to the west. There would be substantial balconies on the east, west and the sides so there would be no "backside" on the building. He advised that the New River Club would have 8 units across the front, with 4 being luxury, pass-through units, and balconies all around.

Mr. Lochrie pointed out some of the site plan features that attempted to mirror Riverwalk, with the same paver scheme, lights, landscaping treatments, etc. He advised the main entrances for valets and guests would face North New River Drive, with an area for pedestrian congregation and water features. Mr. Lochrie described the entry features, and he pointed out that the 6 townhouse villas would provide a focal point with each unit having different features. In addition, the towers provided pedestrian amenities at the ground level with areas to congregate and the ability to provide a café that could include outdoor seating.

Commissioner Smith asked if a future café would be open to the public. Mr. Lochrie did not feel that would be possible because of the luxurious nature of the project. He believed the people who lived there would demand a certain level of safety and security, but the intent was to blur the area between public and private space. For example, although the townhouse villas would have secure gates, passersby would get a sense of community with public and private space.

Mr. Lochrie stated that the project would provide all the amenities one would expect of a project of this nature, including 24-hour security, swimming pools, tennis courts, etc. He displayed some different perspectives of the ultimate project, and then turned his attention to vehicular circulation. Mr. Lochrie advised traffic would primarily enter the garages through 4<sup>th</sup> Street, and all delivery and service vehicles would enter from 4<sup>th</sup> Street rather than North New River Drive. He noted that northbound traffic would exit onto 3<sup>rd</sup> Avenue, and traffic could also exit onto 5<sup>th</sup> Avenue and travel under the bridge to 2<sup>nd</sup> Avenue. Mr. Lochrie believed all of the traffic issues had been addressed, but the applicant had also agreed to install a traffic light at the intersection of 5<sup>th</sup> Avenue and Las Olas, if necessary.

Mr. Lochrie advised that the ULDR did not require any parking spaces for this project, but the garages would contain 971 parking spaces. The project exceeded setback requirements on all sides, and it exceeded open space requirements for a project of this size. He explained that the market required parking and open space, and traffic issues had been resolved. Mr. Lochrie was excited about this project, which he felt would be an important addition to downtown Fort Lauderdale and finally provide some residential units north of the River. He also submitted letters of support from the neighborhood and a resolution of support from the DDA.

Commissioner Katz inquired about the height of the fence separating Riverwalk from the project. Mr. Lochrie believed there was a Code section that restricted it to 48" in height in similar situations, and the project would comply with the Code. He explained that some security was desired, but he understood the area should be decorative and have an open appearance. Commissioner Katz asked if the landscaping issues had been worked out. Mr. Lochrie displayed some figures and stated that there was no open space requirement for this property. However, if the property were within the adjoining district, about 56,000 square feet of open space would be required. He advised this project would provide over 129,000 square feet of open space with 31,000 square feet at grade.

Commissioner Katz asked if open space included the tennis courts and paver areas. Mr. Lochrie replied it did, and open space generally included open space that provided amenities but not landscaping. Nevertheless, landscaping was also being provided at grade and above grade.

*Mr. Doug Eagon*, of the DDA and on behalf of the owner of the neighboring property, distributed some written information about the downtown development plan prepared in 1977, which was one of many plans that set the tone and direction of the area. He pointed out that the second page of the information listed the 1977 DDA Board of Directors, and Mr. Palmer had been a member at the time along with Mr. Lochrie's father. As a representative of the adjacent property owner and a member of the DDA, Mr. Eagon supported the proposed project and had worked with Mr. Palmer on the development. He felt some downtown housing was exactly what was needed in Fort Lauderdale, and the 1977 plan had identified the Riverfront as the ideal location for this type of project.

Mayor Naugle noted that he had also received a letter from the Las Olas Development Corporation, which had indicated support for the "Las Olas Grand." He understood that was the name of the condominium building in this project.

Commissioner Smith felt the proposed project was too big. He thought 15 stories should be removed. Commissioner Smith viewed the project as too big, too tall, and out of scale for the area. He also suggested some interactive uses on the ground level for public interaction and said he could not support the project in its current form because it had been "maxed to the clouds."

Commissioner Katz had no objection to the proposed height, but she had a big problem with the fact that no retail uses were proposed for the ground level to engage the public along Riverwalk. She thought a building without any retail uses would ruin Riverwalk. Commissioner Katz believed moving residential units up one story would also aid in terms of security.

Commissioner Hutchinson liked the residential aspect of the project, and she loved the townhouse villas, but she wished there were more. She was not even uncomfortable with the density, but she agreed with Commissioner Katz as to ground floor retail uses. Commissioner Hutchinson understood the RAC was the area designated for the greatest densities, but she did not think a 428' building related to the surrounding neighborhood and River as it should.

Mr. Lochrie referred to a question raised earlier and advised that the right-of-way was 52' wide. He pointed out that this building would not look like an office building with the balconies, so he thought the impact on the neighborhood would be significant and positive. Mr. Lochrie acknowledged the buildings were tall, but they would help define the downtown area, and 428' was not that tall in the context of the downtown location. He felt the buildings would fit well into the community, and some of the neighbors had sent letters of support. Mr. Lochrie said he was getting mixed signals as to the height and density and needed clarification before more expense was incurred in the design.

Mayor Naugle believed the DRC had recently approved an office building in the 400 block of East Las Olas Boulevard. Mr. Miller stated that the project was still in review, and it would be subject to a 30-day call-up by the Commission. However, he believed the project was about to be signed off at the preliminary DRC level. Mayor Naugle inquired as to the height of that building, and Mr. Miller replied it would be 371' as measured by the Code, with an overall height of about 395'. He added that the project proposed office use with retail and restaurant uses along Las Olas Boulevard.

Mayor Naugle pointed out that the City had wanted downtown housing for a very long time, and someone could choose to build an office building on this site if residential development was not feasible. Mr. Miller agreed that was a possibility, although the market seemed "hot" for residential development. Mayor Naugle wondered if the zoning would allow the villas to have some sort of retail use. Mr. Miller replied that other uses were allowed such as retail sales, retail banking, residential uses, food and beverage uses, commercial recreation, governmental facilities, service uses not including professional offices, public museums, art galleries or other public cultural facilities. Thus, residential was one of the provided uses, and staff had examined the idea of retail uses in this location. He pointed out that this was separated from the true Riverwalk pedestrian walkway by a street. Therefore, there were safety concerns in addition to proximity and marketing concerns. Mr. Miller believed the residential use provided a more comfortable environment than would an office use and fit well within the design for the New River Drive corridor.

Mayor Naugle pointed out that the kiosk activities and retail uses could still be provided on the Riverwalk portion. Mr. Miller agreed that was correct. He felt it was also important to remember that the walkway was relatively narrow in this location because of the street.

Commissioner Katz asked Mr. Miller if he was aware of any other tall buildings being proposed. Mr. Miller replied that there was a project proposed next to Bubier Park being called the Riverhouse that was planned at 450'. Commissioner Katz understood the subject process was just the first of several. Mr. Miller clarified that it was the first of 2 that were in the review process above 400' in height. Commissioner Katz believed that without any height limitation, the City could look forward to more of the same, which was not necessarily a bad thing. However, if there were going to be tall buildings, this would be the appropriate location. Mayor Naugle noted that the shadow issues were not as serious on the north side of the River. Commissioner Katz was still concerned about the retail use to maintain pedestrian interest.

Mr. Lochrie stated that the development team was willing to work with the City as to retail uses, but he did not want anyone to get the impression that it had not been considered at all. He advised that there were locations where retail was not desirable, however. Mr. Lochrie believed this project would be a vast improvement to the area and be an incredible "generator" for Riverwalk. Nevertheless, the applicant was willing to work on it and had discussed the idea of a café.

Commissioner Katz understood the New River Center project also had no plans for retail uses. In that case, there would be 2 large projects without anything to engage passersby, and she was concerned about the future of Riverwalk.

Commissioner Smith thought it appeared there was a “cease fire” between the citizenry and the development community about the downtown. He believed most citizens wanted to see the downtown area developed, and they favored residential development, but he thought the citizenry had a certain intensity in mind. Commissioner Smith felt this project was more intense than the citizens desired, particularly on the River. He was not certain Fort Lauderdale had to have the tallest buildings, preferring a unique image and scale, but he did feel the tallest buildings belonged in the center of the downtown area rather than along the River.

Commissioner Smith said The Palms had been the “bad boy of development” in his district, and it was only 30 stories tall while this was 42 stories tall. He understood the need to encourage residential development in the downtown area, but the citizens had adopted a referendum because they were willing to pay 1,000% more than the assessed value of a piece of land because they did want the tallest of buildings in this corridor. Commissioner Smith wanted to see residential development in this area, but not at all costs. He wanted smaller buildings with co-mingling between the public and the private areas.

Commissioner Hutchinson agreed with much of what Commissioner Smith had said and, although she had not chosen to run on a development platform, the voters wanted people living downtown and using mass transit. At the same time, however, they were concerned about massive, tall buildings, especially along the New River. She did not feel density was an issue, but the height caused her concern, particularly when the voters had agreed to spend \$8 million in an effort to prevent a tall building on a site across the street.

Mayor Naugle wondered if the applicant wanted to withdraw the application at this time after working with staff, and perhaps the district Commissioner, based on the input heard this evening. Mr. Lochrie believed Mr. Palmer wanted to address that issue, but he wanted to point out first that 95% lot coverage was permitted in this area, while this building only covered 67% of the lot. He explained that keeping the density and reducing the height resulted in larger buildings covering more ground.

*Mr. Charles Palmer*, of Sea Ranch Properties, stated that as a residential real estate developer, his goal was to provide housing to meet a market demand. He advised that he had worked long and hard on the DDA Board to encourage downtown housing, but it was more profitable to construct office buildings, and that had been the problem all along. Mr. Palmer said the only way he could rationalize the purchase price of this property was to provide this level of density in a marketable fashion, and that happened to result in 42 stories. He explained that the property owner would not sell the land at a reduced price so a residential project would be profitable if he could get a better price from an office developer. Mr. Palmer pointed out that this had been a pattern in downtown Fort Lauderdale since the 1940s. He stated that the downtown area had changed dramatically, and people wanted to live in close proximity to Las Olas Boulevard and the cultural facilities in the area.

Mr. Palmer acknowledged that it might be possible to drop a story or two off the building, but height had never been the issue. He stated that the value of the land and the alternative uses dictated tall buildings because the financial aspects would not make sense otherwise. Mr. Palmer believed that if the community wanted short buildings, it would end up with office buildings due to market conditions. Commissioner Hutchinson understood the community was being held hostage by the price of the property. Mr. Palmer acknowledged that was true, but it was always true. He pointed out that it had taken 30 years for downtown housing to make economic sense, and there was a trade off involved that he hoped the Commission would consider.

Mr. Palmer advised that he was not opposed to the idea of ground level retail uses, but he did not want to encourage relocation of stores from Las Olas Boulevard to Riverwalk. He had heard from area merchants that they preferred not to have retail uses along this particular portion of Riverwalk. Rather, they preferred to encourage residents to walk past the Stranahan House to the shops on Las Olas Boulevard and in the Riverwalk entertainment area. Mr. Palmer wanted to be cooperative, and he did not want to force any project on the community, but he did want to provide downtown housing if it was economically feasible. He also believed there was a market for these units because people wanted to live where there was action.

Mr. Palmer was at a loss as to where to go from here. Mayor Naugle believed the Commission wanted him to work with staff and the district Commissioner and present an alternative on October 17, 2000. Mr. Palmer said he was willing to do that given the land owner's permission. Commissioner Smith hoped he would do that because there were other residential buildings that had worked out, such as Michael Schiff's development, Symphony House, etc. He thought the land value might have been artificially inflated, and the City might have to live with office uses in the core, but people were constructing residential projects in the area. Mr. Palmer explained that today's luxury housing market demanded views down the River, and no one would buy residential units with views of office buildings.

*Mr. Harry Stewart*, Attorney representing the property owner, felt compelled to tell the Commission that this application had been under review for a long time. He believed existing and proposed ordinances reflected the intensity the Commission had in mind for the RAC, and the proposed project met all the criteria for the area. Mr. Stewart felt that changing the criteria now would result in a serious diminishment of the value of this property, so he asked the Commission to consider the project on the basis of already adopted criteria. He thought it would be in everyone's best interests to support staff's recommendations in this regard. Mr. Stewart believed, however, that the property owner could accommodate the October 17, 2000 date.

**Motion** made by Commissioner Katz and seconded by Commissioner Hutchinson to defer this item to October 17, 2000. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Voluntary Water Restrictions** ..... (OB)

Mayor Naugle said he had received a letter from the South Florida Water Management District requesting voluntary water restrictions in Fort Lauderdale due to the lack of rain and the low level of Lake Okeechobee. He felt this should be turned over to the Public Information Office in an effort to get voluntary reductions in water consumption, and the City should start in the meantime with its parks, cemeteries, etc. It was agreed.



**City Commission Reports (Deferred from 9/19/00 Conference Meeting) ..... (OB)****1. Historical Society Event**

Commissioner Smith reported that the Historical Society was seeking some help with a function called "Fusion: Combining Today's Art with Fort Lauderdale's History." He stated that the Historical Society planned to hold this function at the New River Inn on November 10, 2000, and he thought there were some things the City could do to help, such as in-house printing, co-sponsoring the event to provide insurance, and providing a police detail. It was his understanding that Citizens on Patrol was willing to undertake this task without charge.

The City Manager advised that staff would be happy to look into and see how the City could help. He was a little reluctant about replacing security that called for a detail with Citizens on Patrol due to the agreement with the FOP, but he would investigate.

**Action:** Staff to investigate and provide assistance.

**2. Breed Specific Dog Regulations**

Commissioner Hutchinson wanted to move forward with the information distributed about breed specific dog regulations by seeking someone to introduce legislation in this regard. The City Manager said he would add it to the legislative package.

**Action:** Subject to be added to legislative package.

**3. Florida Neighborhood Conference**

Commissioner Hutchinson announced that the Florida Neighborhood Conference was being held in Fort Lauderdale from October 5 to 7, 2000, and she encouraged City Commission participation.

**Action:** None.

**4. Historic Preservation Board**

Commissioner Hutchinson wished to schedule a workshop with the Historic Preservation Board after having met with some citizens who had concerns about the Board's direction. She stated that the citizens appearing before the Board were frustrated, as were some of the members themselves. Mayor Naugle suggested it be scheduled as the first item on an upcoming Conference agenda. It was agreed.

**Action:** Subject to be placed on upcoming Conference Meeting agenda.

5. Design Seminar

Commissioner Katz reminded the Commission that the Design Seminar was being held on November 2, 2000 at the Performing Arts Center, and attendance was limited to 70 or 75 people due to funding and the size of the meeting room. She advised that most would be design professionals, staff, the academic community, and Commissioners. Mayor Naugle asked that Barbara Curtis and Steven LaFont be invited to attend. Commissioner Smith offered congratulations to Commissioner Katz for arranging the seminar.

**Action:** As discussed.

6. Code Enforcement Board

Commissioner Katz was quite upset with the Code Enforcement Board because it had been allowing violations to continue on and on, and the neighborhoods were suffering. She was aware of one particular instance in which the compliance period allowed was over 18 months, and she was not sure how to address the situation. Mayor Naugle understood the Board was granting extensions of compliance dates. Commissioner Hutchinson added that they were granting extensions again and again and again.

Commissioner Smith suggested that Commissioner Katz speak or write to the Board to explain how important it was to the citizenry that Code violations were corrected in a timely fashion. Commissioner Katz thought that was an alternative, but she thought it was a little weak.

Mayor Naugle inquired as to the nature of the violation in the case Commissioner Katz had mentioned. She replied that there were a number of different violations involving the rear of a business facing residential properties. Mayor Naugle noted that the Code Enforcement Board was one tool, but there were other tools available as well to achieve compliance. Commissioner Katz asked the City Attorney if there was some way around the Code Enforcement Board. Mayor Naugle explained that there were different levels of enforcement available if a violation was sufficiently serious. Commissioner Katz stated that these particular violations were not life threatening, but the violations continued and were of concern to the neighborhood.

Mayor Naugle recalled some cases under the previous administration in which people were taken to jail for not having permits for air conditioning units or fences, so there were ways to deal with repeat violators. Nevertheless, he thought it would be a good idea to address the Board because he had not been aware of the situation. He also thought the frustration of neighborhoods should be mentioned to staff so they could take a different enforcement approach.

Commissioner Hutchinson said she had received numerous complaints from private citizens and from neighborhood associations indicating that cases were presented to the Code Enforcement Board, but they allowed extremely long compliance periods only to further extend the date upon request. She felt the Commission should sunset the Board and send the cases to the Special Master, but she did not think that idea would be supported. Nevertheless, Commissioner Hutchinson thought the issue should be addressed because if residents were frustrated with it, staff must be even more frustrated in their efforts to prepare cases only to have the compliance dates extended again and again.

Commissioner Smith wondered if the Commission could remove the Board's authority to grant extensions. The City Attorney stated that the City was not required to have a Code Enforcement Board at all and could send all violation cases to Special Masters. Mayor Naugle said there had been instances in which the Board had done things the Commission would approve, and he hated to remove that citizen input from the process. He suggested that the first appropriate step would be to sit down and have a talk with the Board.

Commissioner Hutchinson stated that some of the complaints had come from former members of the Board who had dropped out because it did not seem worth their time. Commissioner Katz had received complaints from some current Board members. She wanted the Board to understand that the Commission did not want to allow indefinite compliance periods. Mayor Naugle suggested that the Chairman and as many Board members as possible be invited to attend a future Conference meeting when there was a light agenda. It was agreed.

**Action:** Subject to be placed on future Conference Meeting agenda.

**City Manager Reports (Deferred from 9/19/00 Conference Meeting) ..... (OB)**

1. Emergency Repairs – Fire Station 29

The City Manager reported that on October 22, 2000, there had been an electrical fire that had incapacitated Fire Station 29 at 2002 Northeast 16<sup>th</sup> Street. He advised that the units had been temporarily relocated, but emergency repairs were proceeding and bills would be presented to the Commission. The City Manager added that there had been no injuries and no disruption in service, but extensive repairs were required.

Commissioner Smith asked where the units had been relocated, and the Fire Chief reported that the engine company was being housed in a Wilton Manors station because it was closest, and the Battalion Chief was being dispatched from the beach station.

**Action:** None.

**Advisory Board Appointments ..... (OB)**

The City Clerk announced the appointees/reappointees who were the subject of this resolution:

Community Services Board

Harvey Meltzer  
R. Scott MacLeod  
Joyce Shore  
Sanford Rosenthal  
Robert Notti  
James "Ted" Fling  
Dana Summers  
Dr. Melodie K. Moorehead  
Sam Mitchell

Parks, Recreation & Beaches  
Advisory Board

John Rude

Commissioner Hutchinson introduced a written resolution entitled:

RESOLUTION NO. 00-143

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT  
LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH  
IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

At 8:30 P.M., Mayor Naugle adjourned the meeting.

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Jim Naugle  
Mayor

ATTEST:

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Lucy Masliah  
City Clerk